

Response to Amendment

The reply filed on January 23, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The restriction requirement mailed November 25, 2008 required applicant to elect a single species. The communication of January 23, 2009 from applicant states: "In response to the restriction/election of species requirement, Applicant has elected the species that is shown in FIGS. 41-54" (remarks, ¶1), which corresponds to both Species 7 and 8 as set forth in the restriction requirement and also "Species 8 is elected" (remarks, ¶2). The election is further made without traverse (remarks, ¶3). Since applicant hasn't set forth a single species set forth in the restriction requirement in the first quoted portion of the remarks, the election set forth therein without traverse is inconsistent with the second quoted portion of the remarks and raises an issue as to what applicant is actually electing without traverse for prosecution and on this basis the response is informal and non-responsive. Applicant is required to unequivocally set forth a single elected species and such a response would satisfy the insufficiency identified herein. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. BRITTAIN whose telephone number is (571)272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/
Primary Examiner, Art Unit 3677

JRB